

not required to produce them or evidence of anything contained in them in a legal action or other proceeding.

CONFLICT

The SDE reports three potential conflicts between HB 504 and:

Section 66-7-507 NMSA 1978, which provides that the Traffic Safety Bureau of the State Highway and Transportation Department is authorized to designate the practices of any accident-investigation unit. HB 504 appears to give the same type of authority to SDE's Transportation Division.

Section 66-7-508 NMSA 1978 provides that records of an approved accident-investigation unit shall be confidential and shall not be available to any person other than a member or employee of the unit, and the employee charged with keeping the records may not release them nor may they be used in any legal action or proceedings. HB 504 contains similar language and applies it to SDE's Transportation Division. Will the two state units be precluded from sharing accident investigation information?

Section 66-7-509 NMSA 1978 requires that an "approved accident-investigation unit shall make an annual report to the Traffic Safety Bureau, the Governor and the Legislature not later than January 1 of the calendar year following such designation of approval, and this report shall contain the unit's findings and recommendations as to the formulation of effective methods and means to reduce motor vehicle accidents." These provisions could be construed to require the disclosure of information deemed confidential by the unit's employees.

POSSIBLE QUESTIONS

1. Is the primary purpose of the bill to improve school bus safety?
2. How will enacting this bill help improve school bus safety?
3. Will being designated as an authorized accident-investigating unit requires additional staff at SDE?
4. Is the SDE's Transportation Division staff trained to perform the duties assigned by this bill?

LRB/sb